

These minutes have been approved by the Board on 9.12.2022

MINUTES OF THE VIRTUAL CONFERENCING MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
August 1, 2022

1. ROLL CALL

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Secretary, Pam Rowland, at 10:35 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level Room B, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby and posted 07.25.2022.

Members Present on call (9):

The following members answered roll call:

Bridget Anderson, Chair (in room)
Ruth Lucas, Member
Marie Nordboe, Member
Leslie Reed, Member (in room)
Harold "Buddy" Sims, Member
Pamela Rowland, Vice-Chair
Shannon Bingham, Member
Brandy Phillips, Member
Vicki Criswell, Member (in room)
Matt Bavougian, Member
Jacqueline Hornig, Secretary

Members Absent (3):

Kyoung Bonn, Member

Others Present:

Kris Chiles, Program Manager, Licensure Unit (in room)
Milissa Johnson-Wiles, Assistant Attorney General (in room)
TJ O'Neill – Assistant Attorney General (in room)
Joanna Uden, DHHS Attorney (in room)
Anna Harrison, Compliance Monitor (on call)
Dennis Scott, Investigations (in room)
Trever Klaussen, Investigations (in room)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Criswell moved, seconded Nordboe, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bingham, Lucas, Nordboe, Phillips, Reed, Rowland, Sims, Hornig, Criswell, Bavougian (11). Voting nay: None (0). Absent: Bonn (1). Vacant positions (1). Motion carried.

3. APPROVAL OF MINUTES:

MOTION: Nordboe moved, seconded Lucas, to adopt the minutes. A voice vote was taken. Voting aye: Anderson, Bingham, Lucas, Nordboe, Phillips, Reed, Rowland, Sims (8). Voting nay: None (0). Abstain: Bavougian, Criswell, Hornig, (3) Absent: Bonn (1). Vacant positions (1). Motion carried.

4. Updates/Follow-up

- a. Body Art Regulations 172 NAC 44 Status – Approved for 2nd Hearing – 8.29.2022
Chiles reported the hearing on Body Art Regulations will be held at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level Room A, Lincoln, Nebraska, on 8.29.2022 at 10 am.
- b. Advisory Positions: Esthetic Procedures and needle sizes
<https://dhhs.ne.gov/licensure/Pages/Cosmetology-Esthetics-and-Body-Art-Advisory-Opinions.aspx>
Needle sizes up to and including, 0.5, .5 or .50 mm, larger size is for medical use only.

Chiles provided the definition of permanent color technology from the statutes for clarification. Criswell stated BB Glow, which included plant extracts (pigment) pigment ~~is a falls under~~ permanent make up. She will work on a definition to add to the board advisory, and provide information from education books for discussion at the next meeting.

11:03 am Reed exited room
11:05 am Reed entered room

Criswell also discussed 'Jet Plasma Pen', this uses DC current. Fibroblast is not within scope as it goes into the ~~D~~iermas.

- c. Cosmetology Licensure Compact Information <https://compacts.csg.org/compact-updates/cosmetology/>

It was noted that updates can be found on the website.

11:17 am Oldehoeft exited room
11:21 am Oldehoeft entered room

- d. Statistics: Examinations, Licensing, Disciplinary/Non-Disciplinary Information, and Renewals (report attached to agenda)

Board members voiced concern with the number of failed scores.
Attachment A-NIC reference for Theory and Practical examinations (as a reference to content areas covered on the national examination).

11:22 am Johnson-Wiles exited room
11:27 am Johnson-Wiles entered room

5. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Criswell moved, seconded by Nordboe, to enter into closed session at 11:36 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Anderson repeated the motion and purpose. A voice vote was taken. Voting aye: Anderson, Bingham, Lucas, Nordboe, Phillips, Reed, Rowland, Sims, Hornig, Criswell, Bavougian (11). Voting nay: None (0). Absent: Bonn (1). Vacant positions (1). Motion carried.

Chiles closed the public call in line.

11:58 am Klaussen and Scott exited room
11:59 am Harrison exited call

6. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

12:27 p.m. Verbal agreement from all board members to enter into open session.

Sarah Barrera – Reinstatement-Cosmetology

MOTION: Nordboe moved, seconded by Anderson, to recommend issuance of the license with a 6-month

probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days and the Standard Terms and Conditions of probation. Basis: Conviction history and Failure to report convictions. A voice vote was taken. Voting aye: Anderson, Bingham, Lucas, Nordboe, Phillips, Reed, Rowland, Sims, Hornig, Criswell, Bavougian (11). Voting nay: None (0). Absent: Bonn (1). Vacant positions (1). Motion carried.

Jordan Pearson – Cosmetologist

MOTION: Criswell moved, seconded by Nordboe, to defer and request additional information. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Rowland, Sims, Hornig, Criswell, Bavougian (10). Voting nay: Lucas (1). Absent: Bonn (1). Vacant positions (1). Motion carried.

Curtis Scott Jr – Tattoo Artist

MOTION: Nordboe moved, seconded by Criswell, to recommend a 1-year probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days, Quarterly employer reports and the Standard Terms and Conditions of probation. Basis: conviction history and failure to report all convictions. A voice vote was taken. Voting aye: Anderson, Bingham, Lucas, Nordboe, Phillips, Reed, Rowland, Sims, Hornig, Criswell, Bavougian (11). Voting nay: None (0). Absent: Bonn (1). Vacant positions (1). Motion carried.

Tylona Cashai-Laurice Whitfield-Esthetician

MOTION: Reed moved, seconded by Anderson, to defer and request additional information. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Rowland, Sims, Hornig, Criswell, Bavougian (10). Voting nay: Lucas (1). Absent: Bonn (1). Vacant positions (1). Motion carried.

7. ADJOURNMENT

Anderson announced the next meeting is scheduled for September 12, 2022, the examination work groups will report at that time, and declared the meeting adjourned at 12:35 p.m.

Submitted,

Jackie Hornig, Secretary
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by the Licensure Unit